

Washington State Citizens Committee on Pipeline Safety
Meeting Minutes Summary
Location: Bellevue, WA
June 12, 2002

Present

Chuck Mosher, Chair
Lee A. James
Duane Henderson
Richard Gilda
Sarah Spence
Alan J. Cabodi
Les Olson
Don Evans
Brad Rosewood

Absent

Grant Jensen
Harry “Jay” Follman

***NOTE: There was no public comment during the June meeting.**

Agenda:

1. Welcome and Adoption of May 8, 2002 Meeting Minutes
 2. Update on Penalty Issuance to Olympic and Shell Pipelines from DOE
 3. Presentation of API Pipeline Public Awareness Information
 4. Update on Congressional Pipeline Safety Bill
 5. New Items of Business
 6. Subcommittee Reports
 7. Washington Utilities and Transportation Commission (WUTC) Pipeline Division Update
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1. **Welcome and Adoption of May 8, 2002 Meeting Minutes** – Chairman Chuck Mosher welcomed everyone to the meeting of the Washington State Citizens Committee on Pipeline Safety.
The Committee voted to approve the minutes from the May 8, 2002 with two modifications:
 1. Public Comments section – Change the first set of comments to 3rd person.
 2. Public Comments section – Add how Carole Washburn acknowledged the citizens that commented at the meeting and told them what steps they could take to better understand the federal siting process.
 2. **Update on Penalty Issuance to Olympic and Shell Pipelines from DOE** – Linda Pilkey-Jarvis, with the State of Washington Department of Ecology (DOE) Spills

Program, spoke to the Committee about the recent penalties that were issued to Olympic and Shell Pipeline Companies for the June 1999 spill in Bellingham. The penalties are the largest in Washington State history; 7.8 million for each company. Linda explained how the DOE was able to go forward with the penalty issuance because the federal Environmental Protection Agency (EPA) has filed their actions against the companies. The companies will be able to negotiate with the EPA.

A Committee member asked Linda how the penalty amount was calculated. She explained that the cause of the spill affects the amount. For example, if the spill is caused by negligence or recklessness. Also, the amount of days the oil remained a risk to the environment is a factor. Approximately 370 days were determined to be the number of days the oil remained a risk to the environment for the Bellingham incident. Linda also noted that the penalty money would be deposited into an account that will be used for environmental restoration.

The next step for the companies is an appeal in which they have 30 days to file. Within the appeal process the companies will have an opportunity to propose innovative settlements projects in lieu of paying the full penalty amounts. If Olympic and Shell decide to appeal, the State of Washington Pollution Control Hearings Board will handle the appeal. Linda said that the proposed projects could not go towards something that they are already required to do by law. The projects also will not be approved unless they exceed or meet the penalty amounts. One Committee member asked if the penalty costs could be passed onto the consumer. Doug Kilpatrick with the WUTC informed the Committee that penalties are never taken into account during a company's rate case with the Commission. Linda said that the National Transportation Safety Board (NTSB) report on the cause of the accident is not available yet and will hopefully determine the cause(s) of the Bellingham spill. Chairman Chuck Mosher asked Linda to keep the Committee updated on any new developments that occur regarding the penalties.

3. **Presentation of API Pipeline Public Awareness Information** – Tim Sweeney and Beth Redfield, WUTC staff, spoke to the Committee about the Associated Petroleum Institute (API) efforts to develop industry recommendations to OPS on public awareness of pipelines. The API has indicated an interest in seeding public comment. Beth and Tim suggested that this may be an area of interest to the Committee. Beth explained that API is conducting a public process to create industry standards for public awareness of pipelines. The Office of Pipeline Safety (OPS) will formally adopt the standards as rules. The API process will seek comments on draft language, which will be available in July. API expects to spend six months on the public awareness process. Tim spoke to the Committee about a possible strategy for giving input to the process. He suggested having a marketing/survey professional evaluate who needs to know about pipelines and the different types of people that are effected by pipelines, for example homeowners and first responders. Brad Rosewood noted how he is currently collecting different kinds of printed materials that pipeline companies are all ready distribute along the right-of-way. Brad felt that it would be important to also have the marketing professional determine what is effective and what groups should be targeted and tailor any distributed information to those different groups. The idea of distributing a survey to determine what type of information people need if they are living or working near a pipeline.

The Committee decided to focus on a short-term goal of commenting on the API draft language and then for a long-term goal focusing on tailoring a public awareness and involvement program for Washington State. They expressed an interest in trying to reach those people that don't come to pipeline meetings and getting information to them about pipelines. The Committee wanted to send a letter or submit comments on the API website expressing their interest in participating in API's public process. There was a motion to accept the participation in the API process.

4. **Update on Congressional Pipeline Safety Bill** – Carole gave the Committee an update of the status of the federal pipeline safety bill. The Young bill (HR3609) was being amended in one of the House subcommittees on June 11, 2002. After those amendments were made the bill was renamed the Dingell/Tauzin bill. At the time of the meeting Carole had not heard any information on the bill, but she did know that the provisions to give states interstate authority was dropped from the bill. She noted that the removal of the state authority provision would not affect the State of Washington's current interstate authority. Carole said that the WUTC had not had a chance to review the Dingell/Tauzin bill, but that the WUTC would most likely be sending more comments about the revised Dingell/Tauzin bill.
5. **New Items of Business** – Committee member Don Evans showed two 30-second damage prevention commercials aimed towards property owners. The message of the commercial is to call before you dig. The commercials will air on KOMO T.V. Don said that he would share the airing schedule for the commercials when that becomes available. Committee member Les Olson would like to get copies of the commercials so that he may get them broadcasted on local public access channels. Don told Les to get a hold of him in order to obtain copies of the commercials. Committee member Richard Gilda brought up an issue he had recently encountered while working in Skagit County. He wanted bring this up to the Committee to help illustrate the flaws in the one-call law (RCW 19.122). Richard's company (A-Total Service) was conducting agricultural tilling in an area where Trans Mountain and Olympic Pipelines are about 50 inches below ground. Richard told the Committee that he called Olympic Pipeline's number that was on the pipeline marker (a procedure he and his company have been doing since 1983) and Olympic told him that he needed to call the one-call number (800-424-5555) for a locate. He did this but got four different answers on what the procedures are. Richard feels that the industry and the call center folks are not on the same page. Don Evans acknowledged that there is a gray area in regards to pipelines because some companies want you to call even if you are near the pipeline, but not digging directly above it. The issue of re-evaluating the one-call law was referred to the Damage Prevention subcommittee for review. The idea of possibly creating a survey to send to interested parties in order to get an idea of what people feel are the major problems with the current one-call law. Committee member Brad Rosewood shared pictures of the process to recover a portion of exposed Chevron pipeline. Brad had mentioned the exposure at the May 8th meeting and he wanted to follow-up and let everyone know that the recovering of the pipe was completed.

6. **Subcommittee Reports** - The Washington State Citizens Committee on Pipeline Safety subcommittees met individually and then reported back to the group as a whole.

Damage Prevention Subcommittee -

Chair, Don Evans (Absent for this portion of the meeting)

Members - Duane Henderson, Richard Gilda

- Discussed the draft letter to the WUCC. Would like to support the signature of the letter. The Committee as a whole agreed to the signature of the letter.
- Currently drafting a letter to the State of Washington Building Code Council on requesting the requirement of having the one-call number and a designated space on the building permits for the ticket number. This letter will be reviewed by the subcommittee and then presented to the whole Committee for their review.

Pipeline Safety Public Awareness Subcommittee –

Chair, Brad Rosewood (Absent for this portion of the meeting)

Member – Les Olson

- Les gave Tim Sweeney examples of information of the types of handouts that pipeline companies distribute along the right-of-way. Tim had asked for these types of materials in order to help the subcommittee determine their focus for a pipeline information booklet that they would like to create.
- The subcommittee had ideas on what type of questions should be asked on the surveys to people along the right-of-way. The information from the surveys would be used to comment on the API pipeline public awareness process and other Committee projects in Washington State.
- Les said that Brad had expressed an interest in coming to Olympia to hold a subcommittee meeting that included Tim Sweeney to work on the API process.
- The subcommittee expressed a strong interest in holding a Committee meeting on the east side of the mountains in order to get citizens on the east side of Washington State involved in Committee activities. The idea of publishing the Committee meetings in community event calendars and local newspapers was also suggested. Les suggested holding a meeting in Grays Harbor County in order to get feedback from those affected by the Rainier/Satsop Williams Gas Pipeline.

Legislative/Input/Monitoring –

Chair, Lee James

Members, Jay Follman (Absent), Grant Jensen (Absent) & Chuck Mosher

- Draft a letter to API encouraging them in their efforts and letting them know of the Committee's interest in the public awareness issue.
- Committee report – Lee has incorporated any comments from the May 8th meeting and any e-mailed comments. Chuck and Lee worked on additional language on Committee observations that included summaries of WUTC improvements to inspections, the JLARC audit, and the need for state interstate oversight. The new draft will be typed up and sent to the Committee for their review.

7. **Washington Utilities and Transportation Commission (WUTC) Pipeline Division Update** – Doug Kilpatrick spoke to the Committee about the WUTC pipeline safety fees

for the fiscal year 2002-2003. He informed the Committee that the invoices have gone out to the regulated pipeline companies. Doug distributed a worksheet to show the WUTC pipeline safety division program costs for the current fiscal year. He noted that the only difference for this year is that the JLARC study/audit was calculated in at 60% whereas last year (2001-2002) the JLARC study/audit was calculated at 40%. The reason for the split of 40/60 is because the more of the JLARC work would be done in the second year. Doug also explained how the assignable costs (the inspections) are directly assignable to the companies, but the unassignable (overhead costs) are allocated based on mileage. Committee member Lee James asked Doug if there had been any comments this year on the fees. Doug said that he hadn't heard anything from the companies since the passage of the bill.

Doug distributed information on the WUTC pipeline safety engineers training schedule for the rest of 2002 and for next year. The engineers are required to take federal Transportation Safety Institute (TSI) training in order to conduct inspections. A Committee member asked if the engineers are required to take refresher courses of these classes. Doug said no, TSI does not offer a one or two day refresher for their classes. Courses are often taken again after seven years. Doug also informed the Committee about 40 hours of Hazwoper training that all the engineers will take at the end of June. The Hazwoper training is required in order to obtain access to spill sites.

Meeting Locations – Chuck informed the Committee that Olympic Pipeline Company had originally offered to host the Committee meeting in July, but they would not be able to do so. Olympic suggested hosting the September meeting, which would be held in Renton.

The location of the next meeting will be determined and posted the WUTC webpage www.wutc.wa.gov/pipeline/ccops as soon as it becomes available.

The meeting adjourned at 3:55 p.m. on Wednesday June 12, 2002.